

EXHIBIT 3

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TRUSTEES OF THE 1199/SEIU GREATER
NEW YORK BENEFIT FUND, TRUSTEES OF
THE 1199/SEIU GREATER NEW YORK
PENSION FUND, TRUSTEES OF 1199/SEIU
GREATER NEW YORK EDUCATION FUND,
TRUSTEES OF THE 1199/SEIU GREATER
NEW YORK CHILD CARE FUND, TRUSTEES
OF THE 1199/SEIU JOB SECURITY FUND
and THE TRUSTEES OF THE 1199/SEIU
GREATER NEW YORK WORKER PARTICIPATION
FUND,

Plaintiffs,

-against-

Index No.

07-CV-9744

KINGSBRIDGE HEIGHTS REHABILITATION
CARE CENTER,

Defendant.

-----x
DEPOSITION OF HELEN SIEGER

August 6, 2008

2:55 P.M.

American Reporting Co.
Complete Litigation Support
555 Fifth Ave. - 17th Fl
New York, NY 10017
(212) 349-1774

1 *Helen Sieger*

2 A. Approximately 13 years.

3 Q. What are your duties at
4 Kingsbridge?

5 A. As an operator, I have many
6 duties.

7 Q. Can you briefly describe them for
8 me, please?

9 A. Ultimately I am responsible to
10 overseeing all the departments and all the
11 department heads.

12 Q. You've heard of 1199, right?

13 A. I have.

14 Q. Is that the union that represents
15 some of the employees at Kingsbridge; right?

16 A. Yes.

17 Q. And it's true, isn't it, that up
18 through April 30, 2005 Kingsbridge had a
19 collective bargaining agreement with 1199?

20 A. Yes.

21 Q. And it had a collective
22 bargaining agreement with 1199 for a number
23 of years before then; right?

24 A. Yes.

25 Q. And before that for a number of

Helen Sieger

years it had a collective bargaining agreement with the union called Local 144; right?

A. Yes.

Q. And it's true, isn't it, that for many years Kingsbridge, pursuant to those collective bargaining agreements, made contributions to the 1199 fringe benefit funds; right?

A. Yes.

Q. During the period October 1, 2006 through the present, what role, if any, did you have in making payments to the 1199 fringe benefit fund?

A. I signed the checks.

Q. Other than signing the checks, what other role did you have?

MR. JOHNSON: Objection.

A. The check would be prepared and brought to me to be signed.

Q. Who prepared the checks?

A. The bookkeepers.

Q. Who were the bookkeepers?

A. Depends what period we're talking

1 *Helen Sieger*

2 A. Yes.

3 Q. Have you seen this document
4 before today?

5 A. I've seen the document before
6 today for about one minute.

7 Q. Do you remember that there were
8 hearings before Judge Fish that led up to
9 this decision?

10 A. Yes.

11 Q. You recall there was a hearing in
12 January of 2008 and that you were there?

13 A. Yes.

14 Q. And do you recall being present
15 at a hearing in May of 2008?

16 A. Yes.

17 Q. And would you agree with me that
18 this case -- when I say this case, I mean
19 the case addressed in Deposition Exhibit 1,
20 arose out of an unfair labor practice charge
21 that 1199 filed against Kingsbridge?

22 A. It arose out of charges that 1199
23 filed against Kingsbridge.

24 Q. And I'm correct, aren't I, that
25 those charges alleged that Kingsbridge

1 *Helen Sieger*

2 didn't make certain fringe benefit
3 contributions; right?

4 A. Those were the charges.

5 Q. If you could please take a moment
6 and turn to page 10 of the decision, please.

7 A. Yes.

8 Q. And in particular, if you would
9 direct your attention to the third paragraph
10 from the top that begins on line 10 and read
11 that to yourself, please?

12 A. Yes.

13 Q. This -- these two sentences say
14 that Kingsbridge has not made any payment to
15 the funds for June of 2007 or any subsequent
16 period, that the last payments which were
17 made on August 8, 2007, covered the month of
18 May, 2007.

19 Would you agree with the
20 conclusion that Judge Fish reached that
21 Kingsbridge has made no contributions to the
22 fringe benefit funds for any month after May
23 of 2007?

24 A. No, I disagree then and I
25 disagree now.

1 *Helen Sieger*

2 witness whatever you communicated with
3 Joel you don't testify about.

4 A. My communication was not with the
5 benefit fund. It was only through my
6 attorney.

7 Q. To your knowledge, did Mr. Cohen
8 advise the union that in fact those payments
9 had been made?

10 MR. JOHNSON: Again, I will
11 caution you not to disclose
12 communications that you had with
13 Mr. Cohen.

14 MR. KOLKO: I only want to know
15 what Cohen said to the union.

16 MR. JOHNSON: To the extent you
17 are aware what Mr. Cohen said to the
18 union, you can testify.

19 A. I don't know what Mr. Cohen did
20 afterwards and I can't recall right now what
21 he said he did, but I have to assume that he
22 called you or somebody.

23 Q. But you simply don't know what he
24 did as a follow-up?

25 A. I don't, or I don't recall right

1 *Helen Sieger*

2 Q. Miss Sieger, I am going to quote
3 from, starting at line four, quote:

4 "There is also an issue as to
5 whether certain payments were tendered by
6 Kingsbridge to the trust but refused and
7 were not cashed over a period of four
8 months..." and I'm going to stop there.

9 Have you had a chance to read
10 that?

11 MR. JOHNSON: I got it.

12 A. Yes.

13 Q. Would you agree that the payments
14 were refused?

15 A. I have no knowledge of what
16 happened to the payments. The only thing
17 that I can testify to is that checks were
18 signed, the checks were sent out. And when
19 we checked after the Judge Katz conference,
20 they were not cleared. What happened I can
21 only assume what happened, but I don't think
22 you wants me to testify to that.

23 Q. I don't want you to assume.

24 A. Okay.

25 Q. And you told me that at no time

1 *Helen Sieger*

2 A. Yes.

3 Q. Is that a January 3rd, 2008
4 letter?

5 A. Yes.

6 Q. And do you recall receiving it on
7 or around January 8 of 2008?

8 A. I know that I saw that letter. I
9 don't know when I saw it. I believe that I
10 saw it much later than that. I actually --
11 I believe that it was Mr. Calazzo that told
12 me about this.

13 Q. Well, Mr. Calazzo entered an
14 appearance as an attorney in this matter on
15 June 24, 2008. Does that sound right to
16 you?

17 A. I don't know the exact date but
18 it sounds right.

19 Q. Are you telling me then that
20 Mr. Calazzo told you about this letter at
21 some point after June 24 of 2008?

22 A. Yeah. He told me about your
23 request for an audit.

24 Q. And he told you about this
25 letter?

1 *Helen Sieger*

2 A. Not about this letter.

3 Q. Okay. Is this letter properly
4 addressed?

5 A. Yes, it is.

6 Q. And does Kingsbridge have trouble
7 getting Federal Express deliveries or
8 Express Mail deliveries?

9 A. It does now.

10 Q. Did it -- was it having trouble
11 receiving Express Mail deliveries in early
12 January of 2008?

13 A. No.

14 Q. So why wouldn't you have seen
15 this letter on or about January 3rd of 2008?

16 MR. JOHNSON: Objection to form,
17 calls for speculating.

18 A. Because on January 3rd of 2008 we
19 were working very diligently trying to get
20 coverage for the strike that we were told is
21 going to be happening.

22 Q. Well, I'll represent to you that
23 a strike notice I believe was sent on
24 January 20, 2008. What notice did you
25 receive before then that the strike was

1 *Helen Sieger*

2 Q. For what period of time?

3 A. I can't recall but it was
4 certainly in this period of time. There
5 were just not enough hours in the day.

6 Q. Give me an estimate for what
7 period all your mail and all your messages
8 were not dealt with?

9 A. Oh, for a very extended period of
10 time.

11 Q. What extended period?

12 A. Probably from the time we started
13 preparing for the strike through the strike.

14 Q. And when did you start preparing
15 for the strike?

16 A. I would say it was in the
17 beginning of January, would have been about
18 this time.

19 Q. Do you know whether Kingsbridge
20 made fringe benefit fund payments for
21 earnings that Kingsbridge employees had in
22 December of 2006?

23 A. I had just found out that we did
24 not. Actually, I don't even know if it was
25 made and not cleared or the payments were

1 *Helen Sieger*

2 not made. I don't know, but we had just
3 found out, then we just checked that.

4 Q. Do you know whether Kingsbridge
5 made payments to the benefit funds other
6 than the medical fund for earnings that
7 Kingsbridge employees had in November of
8 2006?

9 A. The same answer. I don't know
10 whether payments were made and not cleared,
11 or payments were never made. And I will
12 tell you that that was the greater shock to
13 me, because there are -- there was no reason
14 for one check to be made without the other.

15 Q. I'm going to hand you a six page
16 document that I would like to have marked as
17 Sieger deposition Exhibit 8, and I would ask
18 you to please look at this.

19 (Document headed: Report Date
20 7/30/08 marked Sieger Exhibit 8, for
21 identification, as of this date.)

22 Q. And you have had a chance to
23 review Sieger Exhibit 8?

24 A. Yes.

25 Q. Just to make sure we are on the